



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

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October 8, 2018

VIA ELECTRONIC MAIL

Steven B. Long
Ward and Smith, P.A.
sblong@wardandsmith.com

Re: October 17, 2018 State Board of Elections & Ethics Enforcement meeting

Dear Mr. Long:

This is to acknowledge receipt of your letter dated October 5, 2018, concerning your clients Senator Ralph Hise (“Sen. Hise”) and The Ralph Hise for NC Senate Committee (“Hise Committee”). I understand that your clients request a delay in the hearing that was noticed on October 3, 2018, and scheduled for the Board’s October 17, 2018, due to the illness of a potential witness, Shirley Hise (“Ms. Hise”).

I have directed staff to place your clients’ request for delay on The Board’s agenda for October 17, 2018. The Board will hear the request on that day prior to any merits hearing. As you know, this matter, along with several of the other matters scheduled on October 17, have been pending for quite some time. Scheduling a hearing on this matter has been delayed on several occasions. And, as you know, our statutes contemplate that matters such as this be resolved expeditiously. See N.C. Gen. Stat. 163A – 1440 (7).

To assist you in preparing for the motion and the merits proceeding, please consider the following:

- Provide the Board with evidence, including a verified statement from a treating physician, that Ms. Hise is unable to participate in the proceeding;
- Provide evidence as to when Ms. Hise will reasonably be able to participate;
- Provide evidence that all forms of participation, including written statements, telephonic or web participation, or depositions have been considered and are not possible;
- Provide evidence that your clients will be unfairly prejudiced if Ms. Hise cannot participate;
- Provide evidence that the information anticipated to be provided by Ms. Hise cannot be provided by others or by documentary evidence, including the affidavit previously submitted on August 21, 2018.

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You should be prepared to proceed with all portions of your presentation other than the testimony of Ms. Hise, assuming she remains unavailable, on October 17, 2018. As Chair, I am not inclined to delay the entire matter to an unknown date.

Sincerely,



J. Anthony Penry

Chairman

State Board of Elections and Ethics Enforcement